

COUNCIL OF THE COUNTY OF MAUI
POLICY AND INTERGOVERNMENTAL
AFFAIRS COMMITTEE

May 5, 2015

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on April 20, 2015, makes reference to County Communication 15-5, from Councilmember Mike White, relating to nominations to boards, committees, and commissions ("boards").

By correspondence dated and received January 30, 2015, the Mayor transmitted a proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", along with completed application forms for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominees to various boards for terms beginning on April 1, 2015, and expiring on March 31, 2020, unless otherwise indicated.

Your Committee notes it previously recommended disapproving two nominees to the Board of Variances and Appeals ("BVA") by Policy and Intergovernmental Affairs Committee Report 15-15. Those recommendations were adopted by the Council at its meeting of March 6, 2015 (Resolution 15-22). By correspondence dated March 6, 2015, the Council Chair notified the Mayor of the Council's actions.

By correspondence dated and received March 13, 2015, the Mayor transmitted a proposed resolution, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI", along with completed application forms for the nominees. The purpose of the proposed resolution is to approve or disapprove the Mayor's nominations of Juanita Reyher-Colon (Molokai)

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and Max Kincaid Jr. (Lanai) to the BVA, for terms expiring on March 31, 2020.

Your Committee notes general appointment procedures for the boards are provided in Section 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"), and Chapter 2.41, Maui County Code ("MCC").

Your Committee further notes specific provisions for the BVA are provided in Section 8-8.7 of the Charter and Section 2.41.080, MCC.

Section 13-2(16) of the Charter states the Mayor is required to submit nominees 60 to 70 days before the prior members' terms expire, and the Council must approve or disapprove the nominees within 60 days thereafter. If the Council fails to approve or disapprove any of the Mayor's nominees within the time period provided, the nominee shall be deemed appointed to fill the vacancy upon its occurrence. If the Council disapproves a nominee, it shall immediately notify the Mayor of its action.

Accordingly, the Council has until May 12, 2015, to approve or disapprove the Mayor's nominees, or the nominees shall be deemed appointed.

A representative of the Mayor stated the two nominees meet the BVA requirement for representation from the islands of Molokai and Lanai.

The representative stated Ms. Reyher-Colon, from the island of Molokai, indicated an interest to serve, and is able to commit to once-per-month meetings on Maui.

The representative stated Mr. Kincaid, from the island of Lanai, a Department of Police retiree, is active in several community organizations, a substitute teacher, and able to attend monthly meetings on Maui.

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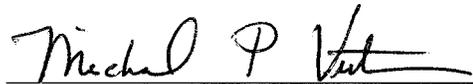
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Your Committee voted 7-0 to recommend approval of the nominations of Juanita Reyher-Colon and Max Kincaid Jr., to the BVA, for terms expiring on March 31, 2020, and recommended Exhibit "B" to the proposed resolution be revised accordingly. Committee Chair Victorino and members Baisa, Carroll, Crivello, Hokama, Guzman, and White voted "aye". Committee Vice-Chair Couch and member Cochran were excused.

Your Committee is in receipt of a revised proposed resolution, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS that Resolution _____, attached hereto, entitled "APPOINTMENT OF MEMBERS TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI", be ADOPTED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL P. VICTORINO, Chair

Resolution

No. _____

APPOINTMENT OF MEMBERS TO THE BOARD OF VARIANCES AND APPEALS FOR THE COUNTY OF MAUI

WHEREAS, by letter dated March 13, 2015, Mayor Alan M. Arakawa notified the Council that he nominated the persons listed in Exhibit "A", attached hereto, as members to the Board of Variances and Appeals for the County of Maui, pursuant to Sections 8-8.7 and 13-2, Revised Charter of the County of Maui (1983), as amended ("Charter"); and

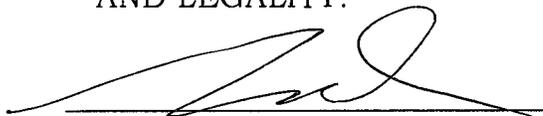
WHEREAS, Section 13-2 of the Charter requires the Mayor's nominees to be approved by the Council; and

WHEREAS, Section 13-2(16) of the Charter requires the Council to approve or disapprove the nominees within sixty (60) days after the Mayor submits the nominees to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves the appointment of the persons listed in Exhibit "B", attached hereto, as members to the Board of Variances and Appeals for the terms as specified therein; and
2. That it hereby disapproves the appointment of the persons listed in Exhibit "C", attached hereto, as members to the Board of Variances and Appeals as nominated by the Mayor; and
3. That certified copies of this Resolution be transmitted to the Mayor, the Managing Director, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



EDWARD S. KUSHI, JR.
First Deputy Corporation Counsel
County of Maui

NOMINATED BOARD MEMBERS AND TERMS

BOARD OF VARIANCES AND APPEALS

Juanita Reyher-Colon (Molokai)
Max Kincaid Jr. (Lanai)

Term Expiration 3/31/20
Term Expiration 3/31/20

APPROVED BOARD MEMBERS AND TERMS

BOARD OF VARIANCES AND APPEALS

Juanita Reyher-Colon (Molokai)
Max Kincaid Jr. (Lanai)

Term Expiration 3/31/20
Term Expiration 3/31/20

DISAPPROVED BOARD MEMBERS